

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: U S WEST COMMUNICATIONS, INC., n/k/a QWEST CORPORATION	DOCKET NO. INU-00-2 (SPU-00-11)
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**PROCESS FOR EVALUATION OF IMPASSE ISSUES,
PERFORMANCE ASSURANCE PLAN, AND UPDATED SGAT**

(Issued August 15, 2001)

On August 10, 2000, the Utilities Board (Board) issued an order adopting a multi-state process to review what was identified by Qwest Corporation (Qwest) as a § 271 application, filed with the Board on January 31, 2000. In that order, the Board indicated that the multi-state procedural document did not address the issue of state-specific proceedings that might be necessary following the conclusion of the collaborative workshops because each state must have the flexibility to determine, once the workshop process is completed, what additional state proceedings will be needed to complete the investigation of Qwest's compliance.

The August 10, 2000, order stated:

The Board will hold state-specific proceedings in Iowa, after the conclusion of the multi-state proceedings, to address areas of the proceeding that require state-specific information, as well as to address those issues that remain unresolved. As indicated in the multi-state procedural document, those unresolved issues may require further evidence or hearings or may be resolved by the Board by a review of the evidence and testimony previously given. The Board has no way of making more specific statements about the nature and magnitude of those proceedings until after

the workshop process has been completed and the Board has had an opportunity to review the record up to that point.¹

The multi-state proceedings have been an ongoing collaborative process that has continued to evolve toward a common goal of reviewing Qwest's compliance with the requirements of 47 U.S.C. § 271. In addition to the workshops that were initially specified, several weeks of workshop time have taken place to enable the several states and participants to fully consider the issues initially included in the multi-state process. Participants have been notified of those additional dates by e-mail distribution lists. The entire public record of these multi-state proceedings can be accessed at <http://www.libertyconsultinggroup.com/six.htm>.

The first of the anticipated reports was filed with this Board on March 19, 2001. Following that filing, participants were permitted to file comments or briefs addressing the issues that remained in dispute. Following those filings, the Board reviewed the record, the report filed by Liberty Consulting Group, and the post-report filings by participants, which culminated in the issuance on June 22, 2001, of its conditional statement on the checklist items covered in the March 19, 2001, report.

The Board anticipates a similar approach being used following the filing of each of the individual reports by Liberty Consulting Group covering groupings of the § 271 checklist issues being reviewed. The second of the reports was filed on May 15, 2001, covering checklist items 1) interconnection and collocation, 11) local number portability, 13) reciprocal compensation, and 14) resale. A third report was

¹ Order Establishing Procedural Schedule and Adopting Multi-state Process, August 10, 2000, p. 4.

filed on June 11, 2001, covering emerging services associated with checklist items 2) access to unbundled network elements, 5) unbundled local transport, and 6) unbundled local switching. Consistent with the procedure used following the filing of the first report, participants were permitted to file comments or briefs addressing the issues that remained at impasse within ten days of the filing of the report. The Board anticipates following the same process as was used to evaluate the disputed issues in the report filed March 19, 2001. It is in the process of reviewing the record, the reports filed by Liberty Consulting Group and the post-report filings by participants. Part of that review involves making a determination as to whether additional evidence is necessary for the Board to make a recommendation on these checklist items. Once the Board has completed its evaluation of all impasse issues, it anticipates issuing a statement as to its intended recommendation on those checklist items when its input is requested by the FCC, following a formal filing by Qwest.

In the event the Board determines that additional evidence is necessary or that an oral argument or some other form of presentation would be advantageous to its determination, those (or other procedures) would be ordered as soon as such a determination was made so that the process does not stall on those issues while additional reports are filed. It is the Board's intention to address each individual report as quickly as possible while still allowing itself time to adequately consider the issues at impasse.

On July 16, 2001, Qwest filed a performance assurance plan (QPAP), and proposed that the QPAP go into effect within 60 days of its filing, with Qwest's liability

to commence once it has obtained effective § 271 authorization from the FCC for the State of Iowa. As Qwest noted in its filing, the QPAP has been added as an issue to be considered in the multi-state proceeding, with an initial workshop scheduled for August 14-17, 2001. Additional dates have been reserved in the event necessary to conclude that review.

It is anticipated that through the collaborative workshops, many issues will reach resolution requiring changes to the QPAP filed July 16, 2001. Qwest acknowledges this by committing to "immediately amend its QPAP if it makes changes to the QPAP as a result of the multi-state process."²

The Board sees no benefit in having the QPAP become effective or for the Board to review the filed QPAP prior to its consideration in the multi-state process. By its terms, the QPAP is a self-executing document. Therefore, the QPAP will automatically become effective upon final approval by the FCC of an application to provide in-region, InterLATA service in Iowa, as updated pursuant to Qwest's pledge to do so in its July 16, 2001, filing.

On July 10, 2001, Qwest filed an updated statement of generally available terms and conditions (SGAT). This is an update to the initial SGAT filed on June 10, 2000. According to Qwest's filing, the language included in the updated document includes compliance language as proposed by the reports filed to date by Liberty Consulting Group, consensus language as agreed to by participants in the multi-state proceedings, and the final proposals for language by Qwest for impasse issues.

² See Qwest's comments of July 16, 2001, pp. 2-3.

The updated SGAT language is a direct result of the ongoing collaborative process and the Board anticipates that further updates will be forthcoming as the workshops progress. When Qwest filed its updated SGAT on July 10, 2001, the time frames set forth in 47 U.S.C. § 252(f) were triggered. Subsection (3) provides that the Board has 60 days following the submission to either complete its review or permit the SGAT to take effect. 47 U.S.C. § 252(f)(4) provides:

AUTHORITY TO CONTINUE REVIEW.—Paragraph (3) shall not preclude the State commission from continuing to review a statement that has been permitted to take effect under subparagraph (B) of such paragraph or from approving or disapproving such statement under paragraph (2).

The Board notes that, as occurred with the June 12, 2000, initial SGAT filing, the updated SGAT filed by Qwest on July 10, 2001, will go into effect 60 days after its submission. The language and issues involved in the updated SGAT filing continue to be discussed in the multi-state proceeding and as such the Board will continue to review this updated filing in that collaborative process.

IT IS THEREFORE ORDERED:

1. Those participants wishing to file comments or briefs addressing the issues believed to be at impasse following the filing of an individual report from Liberty Consulting Group may do so following the schedule specified on the web site maintained for this multi-state collaborative process at <http://www.libertyconsultinggroup.com/six.htm>.

2. Each of the individual reports will be addressed individually as soon as is practicable following the Board's review of the record, the filed report, and any post-report comments or briefs filed by participants.

3. The performance assurance plan filed by Qwest on July 16, 2001, will be considered in the multi-state workshop process.

4. The updated SGAT filed by Qwest on July 10, 2001, will go into effect pursuant to 47 U.S.C. § 252(f), subject to the continued review by the Board through the multi-state workshop process.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Acting Executive Secretary

Dated at Des Moines, Iowa, this 15th day of August, 2001.